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WENDEROTH, LIND & PONACK LLP. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
			EXAMINER	
			CHANG, TOM Y	
			ART UNIT	PAPER NUMBER
			2456	
NOTIFICATION DATE	DELIVERY MODE			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/587,214	<b>Applicant(s)</b> LEICHSENRING ET AL.
	<b>Examiner</b> TOM Y. CHANG	<b>Art Unit</b> 2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 March 2010.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 and 14-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11, 14-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/GS-68)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

Claims 1-11 and 14-23 are currently pending.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 8-10, 14, 17-19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizayaki et al US 2004/0073814, hereafter Mizayaki.

Regarding claim 1, Mizayaki teaches an access control device (**Figure 1 Group Administration Device(GAD) 10**) for controlling an access from a resource use device(**Figure 1 user device 20**)to a resource providing device(**Figure 1 Service provider device 30**) for using a resource provided by the resource providing device(**provider device provides a server, Abstract** ). Mizayaki teaches that the access control device controls the communication of the handset and base station (**Figure 2 shows permission request and**

**granting by GAD) via a communication unit (a communication is inherent in order for the GAD to perform the functions of figure 2 and6).** Mizayaki teaches an access permission unit for instructing the resource providing device via the communication unit to permit an access from the resource use device and a storage unit for storing information on the resource use device which has been permitted to access by the access permission unit as management information (**the GAD provides the permission information that will be used for the user device and provider device to communicate, Figure2 ST10**). Mizayaki teaches that the GAD also serves as an existence check unit for checking a communication state with the resource use device the management information of which is stored in the storage unit, via the communication unit (**the information management section of the GAD determine the eligibility or ineligibility of the user to use the service Figure 10 ST4**) and an access discard unit for instructing the resource providing device via the communication unit to reject an access from the resource use device, communication with which is determined to be disconnected by the existence check unit (**if ineligible the user will not get the proper permission information and will fail the authority proof ST25 for Figure 3**)

Regarding claim 10, Mizayaki teaches a communication unit for communicating with the access control device and the resource use device (**a communication unit is inherent for the operation of the access control section 31b of Figure 5**). Mizayaki teaches a user management section that serves as a storage unit for storing information on the resource use device

intended by an instruction given by the access control device via the communication unit as management information (**¶224**). Mizayaki teaches an access permission unit for permitting an access from the resource use device, the management information of which is stored in the storage unit (**access control section 31b of Figure 5**). Mizayaki teaches an existence check unit for checking a communication state with the access control device via the communication unit (**authority verification unit 33 of Figure 5**) and an access rejection unit for rejecting an access from the resource use device permitted to access by the access control device, communication with which is determined to be disconnected by the existence check unit (**access control section 31b of Figure 5, see also ¶170 discussing success or failure of authority validation**) Mizayaki teaches that the information on the resource use device includes information for identifying the resource use device and information for identifying the access control device which has permitted the resource use device to access (**User management section has authority proof and usage history information that describes which user are eligible and which providers provided access to services ¶226-228**) The switch tells the base station to reject access by not replying to the base state by the time the timeout period ends(**Figure 7 Step 236**).

Regarding claim 18, the limitations in claim 18 have already been discussed as they are covered by the discussion of claims 1 and 10, above. Furthermore Mizayaki teaches the limitation of claim 18 that recites an access from the resource use device intended by the instruction given by the access

control device via the resource providing communication unit (**GAD send results of verification process to service provider device indicating validity or invalidity ¶217**).

Regarding claims 3 and 4 Mizayaki teaches wherein the information on the resource use device is information for identifying the resource use device and information for identifying the resource providing device for accepting an access from the resource use device (**¶213, ¶242 accounting information contain data on the usage of a particular user and which device provided such a service**).

Regarding claims 5, 14 and 19, Mizayaki teaches the information on the resource use device includes information on a command issued by the resource use device when accessing the resource providing device (**user send a request for a specific service the user wishes to use ¶162 the services used are recorded for accounting purposes**).

Regarding claim 8, Mizayaki teaches an existence check response unit for responding to the resource providing device via the communication unit when receiving a communication state check request from the resource providing device via the communication unit (**GAD send results of verification process to service provider device indicating validity or invalidity ¶217**).

Regarding claims 9, and 17 Mizayaki teaches an access control device according to claim 1, wherein: the communication unit communicates with the resource use device via wireless communication (**¶184 when the resource use device is a cell phone it is inherent that cell phones have limited ranges**).

Regarding claim 22, Mizayaki teaches the communication unit of the access control device directly communicates with the resource use device independently from any communication with the resource providing device and independently from any communication through the resource providing device (**It is clear from figure 1 that the control device, provider device and user device can communicate without having to go through one another**).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 7, 11, 15, 16, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizayaki as applied to claim 1 and 10 above, and further in view of Thomsen US 7,194,004

Regarding claims 2 and 11, Mizayaki teaches a system from instructing a providing device to grant access to a user device. Mizayaki is silent as to whether user device information that is invalid is deleted. Thomsen teaches deleting the information on the resource use device, communication with which is determined to be disconnected, from the storage unit (**Thomsen: Col 10 Lines 25 -27**).

Thomsen teaches that this is done for both the resource control device and the

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resource providing device since these the trusted lists are propagated to all devices in the network. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mizayaki with periodic renewing of the trusted list of Thomsen. The reason for this modification would be to periodically update the list of approved devices so that unauthorized access can be prevented.

Regarding claim 6, the combination of Thomsen and Mizayaki has been discussed above. Thomsen further teaches that the access permission unit notifies the resource providing device of the information on the resource use device to be permitted to access, via the communication unit (**Thomsen: sending a list of trusted devices to all devices in a trusted subnet Col 7 Lines 59-63**).

Regarding claims 7 and 15, the combination of Thomsen and Mizayaki has been discussed above. Thomsen further teaches that the access discard unit notifies the resource providing device of the information on the resource use device, communication with which is determined to be disconnected, and when instructed by the access control device via the communication unit to reject an access from the resource use device, the access rejecting unit rejects an access from the resource use device intended by the instruction(**Thomsen: devices are removed periodically from the trusted lists are not longer given access Col 10 Lines 25 -27**).

Regarding claim 16, Thomsen teaches the access rejecting unit deletes the information on the resource use device intended by the instruction from the storage unit (**Thomsen: Col 10 Lines 12- 15**).

Regarding claim 20, Thomsen teaches that the resource providing device constitutes a gateway to connect to the internet (**Thomsen: the firewall is a gateway to the internet access to which is governed by the authentication with the authentication server 310, see Figure 3 and Col8 Lines 1-5**).

Regarding claims 21 and 23, Thomsen teaches the access permission unit is operable to instruct the resource providing device to permit an access from the resource use device before the resource use device has had any access to the resource providing device (**Thomsen: the trusted list indicates which devices can be given access even before the requesting device attempts such access Col 7 Lines 59-63**).

### **Applicant's Arguments**

The applicant argues on page 10 of the remarks that Miyazaki fails to teach "an access permission unit that instructs the resource providing device via the communication unit to permit an access from the resource use device" because the GAD(10) does not perform step ST10 shown in figure 2 as presented in the rejection. The examiner disagrees with such an argument because the GAD does instruct the resource providing device. ST10 was cited by

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the examiner to show the result step of the GAD sending authority permission data to the user device. The authority permission data is part of how the GAD instructs the service provider device to permit access to the user device. The user device provides such authority information to the service provider device (arrow from step ST24 to ST25 of Figure 3). If such authority information is proved valid the service is granted to the user device (arrow following step ST25 in Fig. 3). The service providing device is instructed by the GAD of the validity of a user authority challenge (see ¶217 and Figure 5 showing verification response VALID to service provider device). Although ¶217 speaking in negative terms (ie, invalid user) it is clear that the GAD also informs the service provider device of a valid user.

The applicant further argues that Mizayaki does not teach checking a communication state with the resource use device because step ST4 is merely a step of determining whether information has been created not an operation of checking a communication state with the resource use device. The examiner disagrees because in step ST4 of Figure 2 as further explained in ¶150 and ¶151 of Miyazaki clearly describes checking the validity or invalidity of a user. In other words Miyazaki teaches checking for the existence of a valid user. The examiner has construed a communication state to be applicable to the eligibility status described in ¶150,151. It is reasonable to construe the eligibility status and communication state as equivalents because the claims are broad and do not provide further details as to what comprises checking a communication state that contradicts such an interpretation. The applicant is reminded that claims can be

as broad as the applicant wishes, but if such broadness renders the claim to taught by prior art, such rejections are valid. The applicant further states on page 10 of the remarks that Miyazaki does not teach said checking of a communication state because **“Accordingly, Miyazaki et al. does not confirm whether or not an electronic device of which the existence thereof cannot be confirmed is included in the electronic devices to which access has been granted.”** These remarks are confusing as it appears that the applicant is arguing that Miyazaki is not anticipatory because it does not teach confirming the existence of an unconfirmable device that has been granted access. The examiner does not understand how one can confirm that a device has been granted access if such a device's existence can not be confirmed. Regardless, such details are not represented in the claims, and must be present if the applicant wishes such limitation to distinguish it from the Miyazaki reference.

The applicant argues that Miyazaki fails to teach the all the limitations of claim 10 for the same reasons as those presented with respect to claim 1. The examiner disagrees with the applicant for the same reasons as presented in the examiner's rebuttal of the applicant arguments, presented above.

The applicant argues that claims 2-9 and 19-23 are allowable because they depend from claims 1 and 10. The examiner disagrees with such an argument because claims 1 and 10 are taught by Miyazaki as described in the office action, and further as described in the rebuttal to the applicant's arguments.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOM Y. CHANG whose telephone number is (571)270-5938. The examiner can normally be reached on Monday - Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. Y. C./  
Examiner, Art Unit 2456

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Supervisory Patent Examiner, Art  
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